

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: : Case No.: 19-21621-GLT
 : Chapter: 13
 Scott A. Marx :
 :
 : Date: 3/10/2021
 Debtor(s). : Time: 10:00

PROCEEDING MEMO

MATTER: #115 Application to Employ Michael Groh, Esquire and the law firm of Murphy Law Group, LLC as Special Counsel Nunc Pro Tunc
 #117 CNO Filed
 #119 Affidavit filed by Debtor

Tentative Ruling: The Court requires a hearing on the application to understand why the Debtor's American with Disabilities Act and Pennsylvania Human Relations Act claims were not listed on his bankruptcy schedules, notwithstanding the fact they accrued prior to the petition date.

APPEARANCES:

Debtor: Bryan P. Keenan

NOTES: (9:47)

[Debtor consents to hearing the case early]

Keenan: At the time of filing, the debtor failed to disclose the claim. Prior to filing I asked if there was a pending claim, and at the time the case was filed there were circumstances that made him forget about the claim. He was told by his employer that he was going to be rehired, and that wasn't the case. There wasn't any contact from the fall of 2019 between the debtor and the employment attorney while the employment case was pending. Once his attorney reached out to him, the debtor knew he needed to alert me. There was no intent to hide this from the court.

Court: If the stroke and seizure occurred first and then the attorney was hired, I'm not sure why there was no recollection when the case was filed and the petition prepared less than six months later. The schedules need to be completed accurately. Five months doesn't seem to be long enough to forget about a claim of this significance. And I also don't see anything on the docket amending the schedules, which is a matter of concern as well.

Keenan: I'll file those amended schedules today.

OUTCOME:

1. Debtor's *Application to Employ Michael Groh, Esquire and the law firm of Murphy Law Group, LLC as Special Counsel Nunc Pro Tunc* [Dkt. No. 115] is GRANTED. [JH to Issue Proposed Order at Dkt. No. 115-3]
2. Debtor to file amended schedules to disclose his ADA and Pennsylvania Human Relations Act claims within 14 days. [Text Order to Issue]

DATED: 3/10/2021